

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

RANDY LAMONT MCKELLAR,)
Petitioner,)
v.) No. 4:14CV1818 JCH
MICHAEL S. BOWERSOX,)
Respondent,)

MEMORANDUM AND ORDER

This matter is before the Court on petitioner's successive petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Because petitioner does not have authorization from the Court of Appeals to file the petition, the Court will summarily dismiss it. See 28 U.S.C. § 2254, Rule 4.

Petitioner was convicted of murder and armed criminal action, and the state court sentenced him to life without the possibility of parole and thirty years. Petitioner filed a petition for writ of habeas corpus under 28 U.S.C. § 2254 in April 2011, which the Court denied on the merits on November 21, 2013. McKellar v. Bowersox, 4:11CV737 JCH (E.D. Mo.). Petitioner filed a second petition for writ of habeas corpus challenging the judgment and sentence on February 21, 2014, which the Court summarily dismissed as successive. McKellar v. Bowersox, 4:14CV329 JCH (E.D. Mo.).

Petitioner now brings a third petition challenging the sentence. Currently pending before the Court of Appeals for the Eighth Circuit is petitioner's application to file a successive petition. McKellar v. Bowersox, No. 14-2790 (8th Cir.).

This Court is required to dismiss any claim presented in a successive petition unless the Court of Appeals has first authorized the filing of the petition. See 28 U.S.C. § 2244(b). Because the Court of Appeals has not granted petitioner's application, the Court will dismiss this petition without further proceedings.

Finally, petitioner has failed to demonstrate that jurists of reason would find it debatable whether the petition is successive. Thus, the Court will not issue a certificate of appealability. 28 U.S.C. § 2253(c).

Accordingly,

IT IS HEREBY ORDERED that petitioner's motion for leave to proceed in forma pauperis is **GRANTED**.

IT IS FURTHER ORDERED that petitioner's petition for writ of habeas corpus is **DISMISSED**.

Dated this 10th Day of November, 2014.

/s/ Jean C. Hamilton
UNITED STATES DISTRICT JUDGE